IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

SUM. SUIT NO. 2883 OF 2003

BOBCARDS LIMITED .. Plaintiffs

vs.

SHISHIR SETH .. Defendant.

Mr. Iqbal Panjwani for plaintiff.

CORAM : S.U. KAMDAR, J.

DATE : 16th August, 2005.

P.C.

. The present suit is filed for recovery of a sum of Rs.1,15,426.89 along with interest thereon at the rate of 3% per month from the date of the filing of the suit till payment and/or realisation. The present suit has been filed under the arrangement arrived at by and between the plaintiff and the defendant for use of credit card. The defendant had used the said credit card which was issued to the defendant being credit card no. 4293 9000 1373 3000 pursuant to an application dated 03.05.1999. It is the case of the plaintiff that under the said credit card large amount is outstanding and the same has not been paid. The defendant was attempted to be

served but the service could not be effected. In view thereof, an order of substituted service was passed. Pursuant to the said order, the defendant is served by way of substituted service and publication and the affidavit of service dated 13.7.2005 is taken on record. The plaintiff has also field the list of documents which is also taken on record. In spite of service none appears for the defendant.

2. In view thereof, there shall be a decree in favour of the plaintiff and against the defendant for the sum of Rs.1,15,426.89 with further interest from the date of the suit till payment and/or realisation at the simple rate of 12% per annum.

3. Refund as per rules.